EXHIBIT D

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17:27:33     1                 UNITED STATES DISTRICT COURT

             2                 WESTERN DISTRICT OF NEW YORK

             3    ***SEALED TRANSCRIPT****
                  - - - - - - - - - - - - - - - X
             4    MOOG INC.,                      )      22-CV-187
                               Plaintiff    )
             5    vs.
                                                  Buffalo, New York
             6    SKYRYSE, INC., et al         )    May 5, 2022
                               Defendant.
             7    - - - - - - - - - - - - - - - X
                  STATUS CONFERENCE
             8    Proceeding held via Zoom for Government Platform

             9                   TRANSCRIPT OF PROCEEDINGS
                       BEFORE THE HONORABLE JEREMIAH J. MCCARTHY
            10              UNITED STATES MAGISTRATE JUDGE

            11
                  FOR PLAINTIFF: SHEPPHARD MULLIN RICHETER & HAMPTON, LLP
            12                   BY: RENA ANDOH, ESQ.
                                     LAI YIP, ESQ.
            13                       KAZIM A. NAQVI, ESQ.
                                     TRAVIS J. ANDERSON, ESQ.
            14                           -and-
                                 HODGSON RUSS, LLP
            15                   BY: ROBERT J. FLUSKEY, JR, ESQ.

            16    FOR DEFENDANT: GIBSON DUNN & CRUTCHER, LLP
                  SKYRYSE        BY: KATHERINE DOMINGUEZ, ESQ.
            17                       JUSTINE M. GOEKE, ESQ.
                                         -and-
            18                   HARRIS BEACH, LLP
                                 BY: TERRANCE P. FLYNN, ESQ.
            19                           -and-
                                 LATHAM & WATKINS, LLP
            20                   BY: DOUGLAS E. LUMISH, ESQ.
                                     GABRIEL S. GROSS, ESQ.
            21    FOR DEFENDANT:
                  PILKINGTON/KIM  LOCKE LORD, LLP
            22                   BY: RORY S. MILLER, ESQ.

            23
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	1	MOOG, INC VS. SKYRYSE, INC, ET AL
15:23:05	2	place. That is Moog's view. And, obviously, we're not
15:23:08	3	looking to delay the document production further. We're
15:23:10	4	the ones who are asking for the Court to impose, you
15:23:14	5	know, the discovery schedule that we attached. But I
15:23:19	6	think we would be concerned about producing actual,
15:23:23	7	actual trade secret sensitive documents without having
15:23:27	8	some kind of a protective order that actually has been
15:23:30	9	ordered.
15:23:31	10	MS. DOMINGUEZ: To be clear, your Honor,
15:23:33	11	what we have suggested and we're willing to abide by was
15:23:37	12	Skyryse was and is willing to make document productions
15:23:41	13	designated subject to the draft order without that order
15:23:45	14	being entered, understanding among all of the parties
15:23:48	15	that the order would be filed until such time that a
15:23:51	16	final order is entered.
15:23:52	17	MAGISTRATE JUDGE MCCARTHY: Does anybody
15:23:53	18	have -- that is a statement that has just been made on
15:23:56	19	the record, and if everyone agrees on the record that
15:23:58	20	that is how it's going to be applied, then, I mean, de
15:24:05	21	facto, the protective order is governing unless and
15:24:08	22	until a different order is entered.
15:24:15	23	MR. FLUSKEY: Your Honor, could be I heard
15:24:17	24	on that?
15:24:18	25	MAGISTRATE JUDGE MCCARTHY: Yes, go ahead.

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          1              MOOG, INC VS. SKYRYSE, INC, ET AL
16:07:36  2              Now, in terms of what we find problematic
16:07:39  3      with Skyryse's proposed protocol, their protocol
16:07:43  4      basically blocks all of our access.  Under their
16:07:47  5      protocol we get zero access to the forensic images.  All
16:07:51  6      we get is to provide search terms to the neutral vendor,
16:07:56  7      which must be agreed to by Skyryse in advance.  The
16:08:00  8      neutral vendor then runs those search terms, provides
16:08:05  9      the resulting files to the Defendants for a privilege
16:08:07  10     review, and we get whatever is left over after their
16:08:10  11     privilege review.  We would then review those documents
16:08:13  12     and determine if further searches are needed and then
16:08:16  13     the process begins again and we do this again and again
16:08:19  14     and again.  This approach will not only take a very long
16:08:23  15     time, way more time than we have to spare in this case
16:08:28  16     across 50, nearly 60 devices.  It will be totally
16:08:34  17     ineffectual in uncovering the facts and the truth in
16:08:37  18     this case.  For example, searching for search terms will
16:08:43  19     not enable us to fully uncover the spoliation, the
16:08:48  20     extensive spoliation that we believe has occurred on
16:08:51  21     these devices.  To find spoliation, searching for words
16:08:57  22     is not enough.  You have to look at underlying metadata,
16:09:00  23     which will indicate where data has been deleted.
16:09:04  24     Second, as I mentioned earlier, at least over 1.3
16:09:07  25     million files have been stolen, which covers a huge
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	1	MOOG, INC VS. SKYRYSE, INC, ET AL
16:09:11	2	diversity of file types and projects and many of these
16:09:15	3	files are not chiefly composed of words that can be
16:09:19	4	searched for such as drawings, designs, schematics,
16:09:24	5	executables, images models diagrams, there are
16:09:28	6	hand-drawn figures that are at issue, object files and
16:09:31	7	so forth. And as another example, unrelatedly, much of
16:09:38	8	the use and Ms. Andoh touched on this earlier much of
16:09:41	9	the use is not literal copying at all like taking an
16:09:45	10	image and copying it over from one directory to another.
16:09:48	11	It's adapting Moog's processes. Their data flows, their
16:09:53	12	algorithms, their structure, their architecture. Again,
16:09:59	13	searching for words will not be sufficient to find
16:10:02	14	evidence of this type of use and theft. So, from our
16:10:30	15	view, to adequately uncover the kinds of
16:10:34	16	misappropriation that I have just identified, you really
16:10:37	17	need a human being to look at the file, to compare them
16:10:41	18	side by side and to draw from their experience and their
16:10:44	19	expertise and their judgment to follow the truth of
16:10:48	20	misappropriation that we believe has taken place. You
16:10:52	21	can't just do this kind of brute force mechanical search
16:10:56	22	for words, which is what Skyryse is proposing. That is
16:11:01	23	not going to work here. What we believe is that what we
16:11:06	24	need to do here is a much more sophisticated nuanced
16:11:10	25	analysis to be able to uncover the full extent of the